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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,493

01/27/2004

David H. Stark

STRK-26,581

3487

25883

7590

11/20/2006

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EXAMINER

KWIECINSKI, RYAN D

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/766,493

Applicant(s)

STARK, DAVID H.

Examiner

Ryan D. Kwiecinski

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species:

- Species I: Figures 50-53
- Species II: Figures 54-56
- Species III: Figures 1,2,20a-b
- Species IV: Figures 15a-b, 16a-b, 17a-b
- Species V: Figures 20c-d
- Species VI: Figures 20e-g
- Species VII: Figure 21a
- Species VIII: Figures 21b-c
- Species IX: Figures 22-27
- Species X: Figures 30-32
- Species XI: Figures 33-40
- Species XII: Figure 41
- Species XIII: Figures 18a-c

The species are independent or distinct because Species I is a hermetically sealed double pane window assembly and Species II is a hermetically sealed triple paned window assembly.

These species are independent or distinct because Species III shows a hermetically sealed micro-device housing one micro-device inside along with the separated layers of the sealed device.

Species IV shows a method manufacturing multiple cover assemblies for the hermetically sealed devices. This method provides a multiple unit assembly, differing from Species III.

Species V shows a window assembly having internal and external frames. This creates a different embodiment of the invention disclosed in the application.

Species VI shows a "self-compressing" fixture, which comprise an upper fixture and a lower fixture held together with a clamping mechanism.

Species VII shows a wafer-level device enclosing a micro-device. This wafer level package also contains external connection pads on the opposite side of the substrate supporting the micro-device.

Species VIII shows a wafer-level device enclosing a micro-device. This wafer level package also contains external connection pads, but the external pads are mounted on the same side of the substrate as the micro-device.

Species IX shows multiple micro-devices mounted and sealed on a circular semiconductor wafer.

Species X shows multiple micro-devices mounted and sealed on a circular semiconductor wafer. This embodiment adds an additional metallized electrode placement pad on the wafer as well as the sheet. These pads overhang the edges in the combined embodiment providing unobstructed access to the pads.

Species XI shows a circular semiconductor wafer with micro-devices mounted on its surface, similarly to Species X. In this embodiment, the micro-devices have same-side electrical connections.

Species XII shows a multiple simultaneous wafer-level packaging assembly incorporating one alternative frame.

When applicant chooses one of the above subspecies, applicant will then choose additional subspecies if applicable:

If Species III, V, VI, VII, or VIII are selected, then applicant must choose subspecies:

Species XIV: Figures 3,5-9

Species XV: Figure 10

Species XVI: Figure 11

Species XVII: Figures 12a-c,13a-c,14

The species are independent or distinct because Species XIV shows the construction of a single hermetically sealed square micro-device.

Species XV shows a circular frame for a single hermetically sealed micro-device.

The species are independent or distinct because Species XVI shows applying soldering to the device using inkjet technology.

Species XVII shows a cold gas dynamic spray deposition process is used to seal the package.

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If Species XIV is elected, then applicant must elect:

Species XVIII: Figure 4a

Species XIX: Figure 4b

The species are independent or distinct because Species XVIII is a transparent sheet with curved topside as well as a curved bottom side.

Species XIX shows a transparent sheet with curved topside and a flat bottom side.

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Back to the first set of subspecies:

If applicant elects Species XII then applicant must elect one of the following:

Species XX: Figures 42a-e

Species XXI: Figures 43a-e

Species XXII: Figures 44a-e

Species XXIII: Figures 45a-f

The species are independent or distinct because they all show additional frame designs, from different shapes of the sidewalls to different amounts of tabs connecting the sidewalls.

Applicant must then choose one of the individual designs from the subspecies chosen from the above:

These will be:

1 of Species XXIV – XXVIII

1 of Species XXIX – XXXIII

1 of Species XXXIV – XXXVIII

1 of Species XXXIX – XXXXIII

The species are independent or distinct because they all show additional frame designs, from different shapes of the sidewalls to different amounts of tabs connecting the sidewalls.

Applicant must then choose from the following:

Species XXXXIV: Figure 46a

Species XXXXV: Figure 46b

Species XXXXVI: Figure 46c

Species XXXXVII: Figure 46d

The species are independent or distinct because they all show additional tab designs for connecting the sidewalls.

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Again to the first set of subspecies:

If applicant elects Species XIII, then applicant must elect:

Species XXXXIV: Figure 19a

Species XXXXV: Figure 19b

Species XXXXVI: Figure 19c

Species XXXXVII: Figure 19d

Species XXXXVIII: Figure 19e

Species XXXXIX: Figure 19f

The species are independent or distinct because they all show additional sheet-window/ frame-grid configurations.

It is clear in this action that the number of embodiments disclosed in this application causes a burden on the examiner to perform a search. It would be extremely burdensome to search for all of the disclosed species.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.  
MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on 9 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571)272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RDK

  
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